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DEC 11 2006

ARIZONA STATE
BOARD OF PHARMACY

COPY
SIGN AND RETURN

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Attorneys for the Arizona State Board of Pharmacy

8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9
10 In the Matter of

11 **KEITH LIKES**

07-0022-PHR

12 Holder of License No. 7450
13 For the Practice of Pharmacy
In the State of Arizona

**CONSENT AGREEMENT
FOR PROBATION**

14
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") and under A.R.S. §§ 32 1901, *et. seq.* and 41 1092.07(F)(5),
19 Keith Likes ("Respondent"), holder of Pharmacist License Number 7450 in the State of
20 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions
21 of Law and Order ("Consent Agreement") as a final disposition of this matter.

22 1. Respondent has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.
25
26

1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing he could present
3 evidence and cross examine witnesses. By entering into this Consent Agreement,
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Board Case
12 No. 3205 involving allegations of unprofessional conduct against Respondent. The
13 investigation into these allegations against Respondent shall be concluded upon the
14 Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. All admissions made by the Respondent in this Consent Agreement are
24 made solely for the final disposition of this matter, and any related administrative pro-
25 ceedings or civil litigation involving the Board and Respondent. Therefore, any
26

1 admissions made by Respondent in this Consent Agreement are not intended for any
2 other use, such as in the context of another regulatory agency's proceedings, or civil or
3 criminal proceedings, whether in the State of Arizona or in any other state or federal
4 court.

5 9. Respondent acknowledges and agrees that, upon signing this Consent
6 Agreement and returning this document to the Board's Executive Director, he may not
7 revoke his acceptance of the Consent Agreement or make any modifications to the
8 document regardless of whether the Consent Agreement has been signed by the Execu-
9 tive Director. Any modification to this original document is ineffective and void unless
10 mutually agreed by the parties in writing.

11 10. Respondent understands that the Consent Agreement shall not become
12 effective unless and until adopted by the Board and signed by its Executive Director.

13 11. If a court of competent jurisdiction rules that any part of this Consent
14 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
15 shall remain in full force and effect.

16 12. Respondent understands and agrees that if the Board does not adopt this
17 Consent Agreement, he will not assert as a defense that the Board's consideration of this
18 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

19 13. Respondent understands that this Consent Agreement is a public record that
20 may be publicly disseminated as a formal action of the Board and may be reported as
21 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
22 Protection Data Bank.

23 14. Respondent understands that any violation of this Consent Agreement
24 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
25 1901.01(B)(20), -1927(A)(1).

26

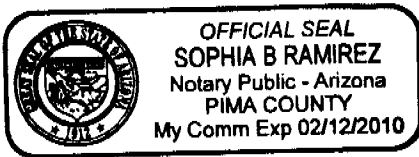
1 ACCEPTED AND AGREED BY RESPONDENT

2 [Signature]
3 Keith Likes

Dated: 12-01-06

4 Subscribed and sworn to before me in the County of Pima, State of Arizona,

5 this 1st day of December, 2006, by Keith Likes.



[Signature]
NOTARY PUBLIC

My Commission expires: February 12, 2010

9
10 **FINDINGS OF FACT**

11 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted
12 authority for licensing and regulating the practice of pharmacy in the State of Arizona.

13 2. Keith Likes ("Respondent") is the holder of license number 7450 to
14 practice as a pharmacist in the State of Arizona.

15 3. During all times relevant to these Findings, Respondent served as the
16 Verifying Pharmacist at Walgreen's Pharmacy #7104 in Tucson, Arizona ("Pharmacy").

17 4. On or about August 15, 2006, Board staff received information that
18 Respondent had failed to verify that the dose on a prescription for Novolin 70/30 Insulin
19 was within the proper limits.

20 5. The patient had been instructed by her physician to administer the
21 Novolin 70/30 Insulin twice a day. The label, which was generated by the pharmacy,
22 instructed for the patient to administer 36 units subcutaneously every morning, 30 units
23 subcutaneously at breakfast, 24 units subcutaneously every evening, and 30 units
24 subcutaneously at dinner which was called in by the physician's agent.

1 6. When the patient picked up the prescription at Walgreens Pharmacy
2 #4139 she questioned the frequency of the injections, but was told by the pharmacist in
3 Charge that the prescription had been called in that way. The pharmacist made no
4 attempt to contact the physician to get any clarification on the dosing of the patient's
5 insulin prescription.

6 7. Respondent had remotely verified the prescription at the Pharmacy in
7 Tucson. Respondent stated to Board staff that he does not really stop or question each
8 prescription for allergy or unusual dosing issues.

9 8. The patient only took one dose of the insulin before being told by her
10 physician that the Pharmacy instructions on the prescription were incorrect.

11 CONCLUSIONS OF LAW

12
13 1. The Board possesses jurisdiction over the subject matter and over
14 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

15 2. The Board may discipline a pharmacist who has engaged in unprofessional
16 conduct. A.R.S. § 32-1927(A)(1).

17 3. The conduct and circumstances described above constitutes unprofessional
18 conduct pursuant to A.R.S. § 32-1901.01(B)(2) ("Violating any federal or state law, rule
19 or regulation relating to the manufacture or distribution of drugs and devices or the
20 practice of pharmacy.").

21 4. The conduct and circumstances described above constitutes unprofessional
22 conduct pursuant to A.R.S. § 32-1901.01(B)(19) ("Violating or attempting to violate,
23 directly or indirectly, or assisting in or abetting in the violation of, or conspiring to
24 violate, this chapter."), and A.A.C. R4-23-402(A)(6) ("Verify that a dosage is within
25 proper limits.").

1 DATED this 25 day of January, 2007

2 ARIZONA STATE BOARD OF PHARMACY

3
4 (Seal)

5 By:

Hal Wand

6 HAL WAND, R.Ph.
7 Executive Director

8 ORIGINAL OF THE FORGOING FILED
9 this 25 day of January 2007, with:

10 Arizona State Board of Pharmacy
11 4425 W. Olive Avenue, Suite 140
12 Glendale, Arizona 85302

13 EXECUTED COPY OF THE FOREGOING MAILED
14 BY REGULAR MAIL
15 this 25 day of January 2007

16 Keith Likes
17 7522 E. Knollwood Place
18 Tucson, Arizona 85750

19 *Sflany Belsch 01-25-07*

20
21
22
23 RECEIVED

24 DEC 11 2006

25 ARIZONA STATE
26 BOARD OF PHARMACY

envelope

KEITH E. LIKES
7522 E. KNOLLWOOD PLACE

TUCSON, AZ 85750



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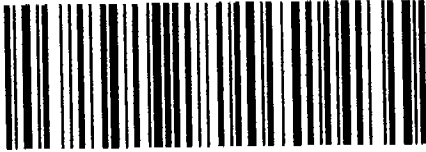
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AGE
TUCSON, AZ
85715
JAN 17, 07
AMOUNT

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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL™



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JAN 19 2007

ARIZONA STATE
BOARD OF PHARMACY

Hal Wand
Executive Director
Arizona State Board of Pharmacy
4425 West Olive
Suite 140
Glendale, Arizona 85302-3844

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JAN 19

ARIZONA
BOARD OF PHARMACY

07805 Office AU #	11-24 1210(8)	PERSONAL MONEY ORDER	0780515331
Operator I.D.: az001742			
PAY TO THE ORDER OF ***ARIZONA STATE BOARD OF PHARMACY***		January 17, 2007	
One thousand dollars and no cents		**\$1,000.00**	
WELLS FARGO BANK, N.A. 7171 E TANQUE VERDE RD TUCSON, AZ 85715 FOR INQUIRIES CALL (480) 394-3122		VOID IF OVER \$ 1,000.00 Purchaser's Signature LICENSE NO 7460	

⑈0780515331⑈ ⑆121000248⑆4861 505436⑈

ASEP RECEIPT INFORMATION (BY:)

PAID BY: CASH CHECK #5331 1-17-07

AMOUNT: \$ 1000.00

FOR: CIVIL PENALTY

Receipt date: _____

Receipt No: _____